THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4491 of 2007

Dated : 20.03.2007

Between:

Nalluri Naga Paramatma Subba Rao
S/o Veeranna and others.

…**PETITIONERS**

And:

Gavaravaram Gram Panchayat,
represented by its Executive Officer,
Gavaravaram village, Koyyalagudem Mandal,
West Godavari District and others.

… **RESPONDENTS**

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ORDER:

The four petitioners are residents of Gavaravaram village of Koyyalagudem Mandal in West Godavari District. They allegedly own houses bearing D.Nos.1-91, 1-93, Assessment No.301 and D.No.4-2, which are assessed to panchayat tax. They filed the instant writ petition alleging that so as to widen the existing road on the eastern side of the houses of petitioners 1 and 2, the respondents surveyed and marked the land. The road is being widened under Prime Minister Grameena Sadak Yojana scheme. The petitioners allege that the respondents did not initiate any action as per Section 59 of the Andhra Pradesh Panchayat Raj Act, 1994, or the Land Acquisition Act, 1894. Therefore, they filed the instant writ petition seeking a writ of mandamus declaring the action of the respondents in trying to demolish the structures of the petitioners as illegal and arbitrary and also for a consequential direction not to demolish their houses/structures.

The matter was heard on 06.03.2007. At the request of the

learned Assistant Government Pleader for Panchayat Raj, the matter was adjourned. Today, after getting instructions, the learned Assistant Government Pleader submits that widening of the road has been sanctioned, and even before any action is taken for acquiring the land or acquiring the structures, the present writ petition is filed. He does not dispute the legal position that if, for any reason, the land or property of the petitioners is required for widening the road, the respondents have to follow the necessary due process of law.

Therefore, the writ petition is disposed of observing that the respondents should keep in mind the guidelines issued by the Division Bench of this Court in **P.Lakshmana Rao v. Executive Officer**[1]. No costs.

(V.V.S.RAO, J)

20th March 2007.
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[1] 2000(5) ALT 246 (DB)